

**U.S. Department of Labor
Occupational Safety & Health Administration**



Case File Diary

Company:	Location:	Number:
Federal Correctional Institute, McKean	Rt 59 & Big Shanty Road Lewis Run, PA 16738	303712673
Date:	Action:	Initials:
4/11/03	Contact made with initial complainant via telephone. Allegations were reviewed.	BMC
4/14/03	Enough information has been received to warrant an inspection. Complaint officially formalized.	BMC
4/14/03	Inspection Assigned to CSHO Claybaugh	BMC
4/14/03	OSHA Directives (FAP) and Federal Agency inspection procedures require advance notice because subject inspection will be done at a Federal Correctional Institute. Attempted to call prison and talk to the safety staff. Safety Staff was gone for the day.	BMC
4/15/03	Steve Housler (Safety Manger) contacted the CSHO. Advanced notice providedper policy and directives.	BMC
4/16/03	Opening conference and initial walk-around. Out-brief with Warden Lammana before leaving the site. Safety Manager Housler, Asst Warden Billisits, Asst Warden Forsythe, and Richard Yovichin (Union Pres) were also present.	BMC
5/12/03	Received a written 11 (c) complaint from an inmate. CSHO spoke with Ed Rhoades. Mr. Rhoades had CSHO fax the complaint to him. Mr. Rhoades was then going to forward the complaint to the Office of Special Counsel.	BMC
5/14/03	Second Visit – Continued walk-around and collected wipe and bulk samples. Interviewed inmates and staff members. Out-brief with Warden Lammana before leaving the Site. Safety Manager Housler, Asst Warden Billisits, Asst Warden Forsythe, and Richard Yovichin (Union Pres) were also present.	Bmc
5/21/03	Per discussions with AD Stranahan and AAD Burbage, air sampling needs to be conducted.	BMC
6/8/03	Still waiting to conduct air sampling. AAD Seitz assigned to do the sampling but is on vacation and TDY.	BMC
6/13/03	Referral for Air Sampling Submitted.	BMC

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6/17/03	Third Visit - CSHO Claybaugh and Seitz onsite to conduct air sampling. Walk-around continued. Interviews conducted. Conducted out-brief with Assistant Warden Grim Before leaving site. Safety Manager Housler, Asst Warden Billisits, and Richard Yovichin (Union Pres) were also present.	BMC
6/18/03	Fourth Visit – CSHO Claybaugh and Seitz conducted second day of air sampling. Walk-around continued. Interviews conducted	BMC
7/17/03	First round of 1bs submitted to AAD Burbage for review.	BMC
7/21/03	Discussed 1bs with AAD Burbage. Corrections and additions were made.	BMC
7/31/03	AAD Seitz conducted telephone closing for his case. CSHO Claybaugh was also on the call. Air sampling results were reviewed. CSHO Claybaugh and AAD Seitz provided recommendations to reduce mechanical irritation to micoreboard.	BMC
8/1/03	Fifth Visit to the Site for the Closing Conference – Yovichin represented the Union. Closing conducted with Steve Housler (Safety Manager) and Union President Yovichin. Warden John Lammana was present for final 15 minutes of the closing to discuss air sampling and s/h program elements. CSHO Chris Snedden accompanied CSHO Claybaugh at the Closing.	BMC
8/13/03	CSHO contacted Steve Housler to clarify a few issues. CSHO left voicemail. Housler returned the CSHO's voicemail with his own voicemail. Housler provided a few answers.	BMC
8/14/03	CSHO contacted Steve Housler to clarify open issues from 8/13/03. CSHO left voicemail. Steve Housler returned the CSHOs call.. Issues clarified.	BMC
8/15/03	Ibs finalized	BMC



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8/19/03	Reminder of case turned into supervisor for Review.	JMC
8-19-03	Reviewed - OK to issue	BB
8-19-03	Drafted 1960.8 Ltr. reviewed by SOTZ w/ no changes. Reviewed by stranahan w/ minor changes.	BK
8-20-03	1960.8 Ltr reviewed by AD Burley w/ no changes.	JMC
8/20/03	CIT issued and signed by AD. CIT prep ad sent via FedEx. Save to final / global save acceptable.	JMC
8/20/03	1960.8 Ltr issued and signed by AD. sent via FedEx but under different # of packages.	JMC
8/20/03	Called Hovister to let him know ad was on the way. And to review issued of him. Hovister said not in case left VA/VA.	JMC

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9/2/03	<p>Steve Houser called OTS about citations. Only issue raised was reluctance of FCI to allow inmates to do the locking out and retaining coated locks. He said he was in a meeting with other safety officers and someone sent him a letter from OSHA that he felt would let FCI retain current practice of FCI supervisor doing the locking out. I asked him to send me the letter, and I would take it under consideration. When I rec'd. letter from Steve I consulted with OSHA who was already aware of letter. OSHA had consulted w/ DOA & NO and all agreed this was nothing to prevent inmate acting as authorized employee & could apply/remove locks. Letter provided by Steve did not support his position, in fact the letter strongly implied that FCI policy was consistent w/ OSHA and cited 147 items.</p>	
9/4/03	<p>OTS spoke w/ Steve H. & discussed the above. Although he did not fully agree, he would accept OSHA position. This will require FCI to revise procedures & policies & retrain the inmates. They most likely will also need to procure combination lock w/ key override to deal w/ circumstances described in 7/10/00 interpretation. To accomplish this Steve & I agreed to extend abate dates for LOTS items to 11/30/03. Steve said all other cited items were abated or would be abated by dates specified in citation.</p>	



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9/26/03	<p>Photos reviewed and uploaded to the OSHR. Abatent extensions are still in place for 1-7a, 1-7b, and 1-9 (loto issues). CSIS to needs to contact FCI safety manager about CIT 1-6, 1-19a, 2-1, 2-2, and 2-3.</p> <p>1-19a instance was not certified. FCI says will inspect or did purchase serial LIFT. 2-1 was another will.</p> <p>2-2 and 2-3 did not satisfy Abatent.</p> <p>Abatent for 1-15 provided by 1-6 and 1-17.</p>	✓
9/26/03	<p>Spoke w/ AD Standards About the 2-2 & 2-3. Will contact FCI McKean next week.</p>	BMC
9/29/03	<p>Discussed case w/ AD Burbage. In Agreemt w/ CSIS issued on FCI's Abatent submitted.</p>	
9/29/03	<p>Called Stone Harbor. Left voicemail.</p>	ans
9/29/03	<p>TE/CON w/ Steve Housler, Safety Manager, FCI McKean. Both discussed problems w/ Abatent language for 1-6, 2-1, 2-2, 2-3.</p> <p>CSIS also discussed 1-19a instance b, was left off the Abatent cert form. Revised date cert due by end of the week. See notes.</p>	✓

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9/29/03	Bridal AND parbog on results of TACOM of Human or Abuse cont problem.	JPM
9/30/03	Revised Abducat cont letter rec'd. State Review and updated in the comment. Only lots Item review i.e. 1-7a, 1-7b, and 1-9.	JPM
10/21/03	Telcon w/ Steve Housler. Steve contacted the CIO about lots items 1-7a, 1-7b, and 1-9. Steve relayed that the lots issue went all the way to FCI's Central office. Steve explained FCI allow work only w/ the items cited by issuing the powers combo packs and has pd. Steve said that CIO need to be aware that other (big sizes) are not being imposed lock out. CIO responded he would concern AD account of the regional office on the issue. A site note Steve relayed that the items noted in the 5(c)(1) HR have been modified w/ Housler relayed the lead for the inspection will go.	JPM

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10/27/03	PHATE received and discussed w/ MPP Secretary - problem w/ Phant ant MPPTS. cover letter indicated the Plaintiff is, Corrobor. However, the Plaintiff ant STATED "will Be".	✓
10/29/03	Called Fisher, safety mngg, Steve had no w. CSM left Vicksburg.	✓
10/30/03	Telcon w/ Steve Fisher. Plaintiff phant case letter verbiage issue. Steve stated that all letters for Plaintiff w/ 1-7A, 1-7B, and 1-7C are copied. CSM and Fisher to record Plaintiff letter issue to indicate other issues have been phant i.e. MPP issue.	✓
10/30/03	Received phant case letter from Plaintiff Plaintiff update p/ the case issues.	✓
10/30/03	Discord case and Court before end of AD. CM to close out case for AD.	✓



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